

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amy Greenstein	Team: Team # 3	CCRB Case #: 200604862	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/16/2006 5:28 AM	Location of Incident: in front of § 87(2)(b), 27th Street btw 8th and 9th Avenue	Precinct: 10	18 Mo. SOL 10/16/2007	EO SOL 10/16/2007	
Date/Time CV Reported Sun, 04/16/2006 5:28 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/17/2006 11:26 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Mooney	20363	931835	010 PCT
2. POM Thomas Garrity	07734	933798	010 PCT
3. LT Theodore Lauterborn	00000	897840	010 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Abbruzzese	00388	921100	010 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Theodore Lauterborn	Force: Lieutenant Theodore Lauterborn used physical force against § 87(2)(b)	
B.POM Patrick Mooney	Force: Officer Patrick Mooney tightly handcuffed § 87(2)(b)	
C.POM Thomas Garrity	Discourtesy: Officer Thomas Garrity spoke rudely to § 87(2)(b)	
D.POM Thomas Garrity	Abuse: Officer Thomas Garrity refused to provide his name and shield number to § 87(2)(b)	

Synopsis

On April 16, 2006 § 87(2)(b), § 87(2)(b) and § 87(2)(b) exited Spirit nightclub, located at 27th Street between 10th Avenue and 11th Avenue in Manhattan, at approximately 5 AM. Lieutenant Lauterborn and other officers from the 10th Precinct cabaret unit had erected barricades on this block to prevent all the club-goers from going to 10th Avenue, which generally causes traffic jams and noise disturbance. The barricades were meant to route half of the club-goers to 10th Avenue and the other half to 11th Avenue. § 87(2)(b) was on the 11th Avenue side of the barricades, however she wanted to walk towards 10th Avenue. § 87(2)(b) insisted on walking towards 10th Avenue, despite security guards and Lieutenant Lauterborn's orders. She crossed the barricade and continued to walk towards 10th Avenue. Lieutenant Lauterborn subsequently approached § 87(2)(b) to place her under arrest, and allegedly pushed her shoulder, causing her to back up against a wall (Allegation A). A plainclothes officer then approached them and allegedly grabbed § 87(2)(b) identification from her hand and forcefully twisted her arm behind her back. § 87(2)(b) stated that she was cursing at the officers and was resisting arrest by squirming her body.

After Lieutenant Lauterborn handcuffed § 87(2)(b) Officer Mooney and Officer Garrity approached them. Lieutenant Lauterborn instructed Officer Mooney and Officer Garrity to take § 87(2)(b) to the precinct and issue her a summons § 87(2)(b). While Officer Mooney and Officer Garrity were walking § 87(2)(b) to their patrol car Officer Mooney allegedly tightened her handcuffs (Allegation B). Officer Garrity allegedly cursed at § 87(2)(b) en route to the 10th Precinct (Allegation C). When they arrived at the precinct Officer Garrity issued § 87(2)(b) a summons § 87(2)(b). § 87(2)(b) asked Officer Garrity for his name and shield number, however he allegedly shoved his badge in her face and told her that his name was on the summons (Allegation D). § 87(2)(b) subsequently left the precinct.

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) contacted the CCRB on April 16, 2006 to file a complaint (enclosure 3A-B). She was interviewed at the CCRB on April 26, 2006 (enclosure 3C-G). The following is a summary of this statement:

On April 16, 2006 § 87(2)(b) went to Spirit nightclub, located at 27th Street between 10th and 11th Avenues in Manhattan. She and her friends, § 87(2)(b) (last name unknown), § 87(2)(b) § 87(2)(b) and § 87(2)(b) arrived at the club at some time before midnight. § 87(2)(b) was wearing blue jeans, white sneakers, and a green printed hooded sweatshirt that had a zipper in the front and two pockets. § 87(2)(b) left the club about an hour before the other girls. At 3 AM there was a loud shot inside the club. The music went off, the lights went on, and everyone ran away from the front bar section. § 87(2)(b) and her friends ran towards the exit of the club and left. There were metal barricades in the street, preventing pedestrians from walking east, towards 10th Avenue. § 87(2)(b)'s car was parked on 10th Avenue, thus § 87(2)(b) moved these barricades to the side so that they could get to the car. While § 87(2)(b) was holding the barricades open for her friends to pass, a security guard pulled it from her hand. § 87(2)(b) informed the security guard that she and her friends wanted to walk east because their car was parked on 10th Avenue. The security guard told her that she could not walk east and that they had to walk around the club. § 87(2)(b) told him that she did not want to walk out of her way, and insisted that she continue walking east. The security guard then pulled back the gate and § 87(2)(b) and her friends continued to walk towards 10th Avenue. A second set of security guards also allowed § 87(2)(b) and her friends to continue walking towards 10th Avenue. § 87(2)(b) drew a picture of where she was stopped by both

security guards. She wrote “security” in the two places she was stopped by the guards and marked the barricades by a dotted line. She also marked where the construction was located. (enclosure 3F)

After passing a construction trailer that was next to the club Lieutenant Lauterborn (identified by the CCRB) approached § 87(2)(b) and said, “Let me see your identification.” § 87(2)(b) stated that Lieutenant Lauterborn was probably walking directly behind her and her friends and that he passed them and approached her from the rear. On the map, § 87(2)(b) marked the area where Lieutenant Lauterborn stopped her with a dot and “officer”. She was unsure where he was coming from and stated that everything happened so quickly that it seemed as if he came out of nowhere. § 87(2)(b) asked Lieutenant Lauterborn why he needed her identification and informed him that there was a shooting inside the club. Lieutenant Lauterborn then pushed her right shoulder with his hand (she was not sure which hand), which caused § 87(2)(b) to back up against a construction wall. Lieutenant Lauterborn reached for his handcuffs and § 87(2)(b) asked him why she was being arrested. Lieutenant asked for her ID again. As she was removing her identification from her pocket PO #1 came out of nowhere and pushed her and twisted her arm. PO #1 grabbed her left wrist and twisted her arm so that her palm was facing upward. § 87(2)(b) said to him, “Who are you?” PO #1 repeatedly said, “You’re resisting arrest.” PO #1 was an Indian/Arab male, dark hair and complexion, 5’7”, stocky, and was in his mid-30s. § 87(2)(b) said, “I’m arrested, for what?” PO #1 said, “You are resisting to give us your information.” § 87(2)(b) said, “Dude, my identification is in my hand. If I am resisting, why is my ID in my hand?” While PO #1 was twisting her arm, Lieutenant Lauterborn pushed his left forearm into her right shoulder while he was reaching for his handcuffs. § 87(2)(b) stated that while she was being handcuffed she was “getting upset” and was squirming her body. Lieutenant Lauterborn handcuffed her. § 87(2)(b) had some difficulty describing exactly how she was handcuffed. 1-2 plainclothes officers were holding back § 87(2)(b) and § 87(2)(b) as they were asking what was going on. § 87(2)(b) could not describe these officers.

After she was handcuffed Lieutenant Lauterborn turned to Officer Garrity and Officer Mooney, who had appeared on the scene, and said, “Take her away.” § 87(2)(b) knew their names by looking at their nameplates. Officer Garrity grabbed the top of her right arm and walked towards the patrol car, which was in front of club Spirit. Officer Mooney and Officer Garrity’s car was parked west of where they were standing, and they walked in that direction. While they were walking Officer Mooney then tightened her handcuffs. § 87(2)(b) said, “Hey, I’m a female. This isn’t that serious.”

When they reached the car § 87(2)(b) got inside. § 87(2)(b) and § 87(2)(b) had followed them towards the car. They were very upset, were crying, and asking the officers why § 87(2)(b) was being arrested. Officer Garrity approached § 87(2)(b) and told her something that § 87(2)(b) could not hear. § 87(2)(b) later learned that Officer Garrity had told § 87(2)(b) that he was going to give her a summons at the precinct and then she would be allowed to leave.

While inside the car § 87(2)(b) asked Officer Mooney and Officer Garrity why she was being arrested. § 87(2)(b) said to the officers, “... you don’t even know that I was trying to flee because there was a shot in the club.” One of the officers, maybe Officer Garrity said, “Shut up, stupid. They popped a bottle in the club.” § 87(2)(b) said, “Don’t try to insult my intelligence. You’re stupid, you shut up. What type of bottle was this that it made the music go off, the lights go on, and everyone to flee from the club?” Officer Garrity then said, “Shut the fuck up. You are getting a summons.” Officer Mooney also said, “Shut up, you’re getting a ticket, you’re annoying us.” Officer Mooney did not curse. § 87(2)(b) said to the officers, “You shut the fuck up.”

Officer Mooney and Officer Garrity escorted § 87(2)(b) inside the 10th Precinct, and Officer Garrity went into another room to write the summons. Sergeant Abbruzzese (identified by the CCRB) was standing behind the front desk. Officer Mooney instructed § 87(2)(b) to sit down. She refused to sit down and stated, “No, you tightened my handcuffs and I was sitting on them in the car.” § 87(2)(b) eventually sat down after she and Officer Mooney argued about this for a few minutes. Officer Garrity then came back out to the front area with a summons. § 87(2)(b) was still handcuffed so Officer Garrity put her identification in her front right pocket. The officers then removed the handcuffs. § 87(2)(b) asked Sergeant Abbruzzese for a pen, and he gave it to her. She asked Officer Mooney if she could record

his badge number, and he complied. When she asked Officer Garrity if she could see his badge, he walked very close to her and put the badge in her face.

Before § 87(2)(b) left the precinct she asked Officer Garrity and Officer Mooney for Lieutenant Lauterborn's name and PO #1's name. They told her that they do not know their names and that they are not from their precinct. She asked the officers for the phone number to complain and they pointed to a sign on the wall. § 87(2)(b) copied down this number and called it when she got home. § 87(2)(b) and § 87(2)(b) drove her home. § 87(2)(b) wrists were a little swollen after the incident, but she did not seek medical treatment at the precinct or after the incident.

Results of Investigation

Civilians not Interviewed

The investigator attempted to contact and schedule appointments with § 87(2)(b) and § 87(2)(b) however they were not responsive to these attempts. During a April 27, 2006 phone conversation with § 87(2)(b) she stated that she would call the investigator by May 1, 2006 to schedule an appointment for an interview at the CCRB, however she did not do this. Detailed phone messages were left for her on May 2, 2006, May 10, 2006, and May 15, 2006. § 87(2)(b) did not return any of these phone calls. The investigator left phone messages for § 87(2)(b) on April 27, 2006 and May 2, 2006. She returned the phone call on May 2, 2006 and scheduled a tentative appointment to be interviewed at the CCRB for May 8, 2006. § 87(2)(b) did not confirm this appointment, nor did she come to the CCRB on May 8, 2006. The investigator left phone messages for § 87(2)(b) on May 10, 2006 and May 15, 2006, however she did not return the phone calls. The investigator also reached out to § 87(2)(b) to request that she contact her friends and ask them to schedule appointments. These attempts to contact § 87(2)(b) and § 87(2)(b) were unsuccessful, thus they were not interviewed.

Identification of Officers Interviewed

§ 87(2)(b) identified Officer Garrity and Officer Mooney when she filed the complaint and during her CCRB statement. Both officers stated that they were present during the incident and that they drove § 87(2)(b) to the precinct. Additionally, both officers identified Lieutenant Lauterborn to be the officer that initially stopped § 87(2)(b) and Sergeant Abbruzzese to be the desk officer when she was taken to the precinct. During his CCRB interview, Lieutenant Lauterborn stated that he initially stopped § 87(2)(b) because she was not obeying the lawful order of not crossing the blockades. Sergeant Abbruzzese stated that he was the desk officer when § 87(2)(b) was taken to the precinct.

Lieutenant Lauterborn

On April 16, 2006 Lieutenant Lauterborn worked from 10 PM to 6:35 AM and was the cabaret supervisor of the 10th Precinct. Officer Titza was his partner and they were assigned to a marked vehicle. Both officers were dressed in uniform. Lieutenant Lauterborn is a white male, 5'10", 225 lbs., and has brown hair and brown eyes.

Lieutenant Lauterborn was interviewed at the CCRB on May 31, 2006 (enclosure 4A-D). The following is a summary of his statement:

On April 16, 2006 the 10th Precinct cabaret unit experimented with a new way to deal with crowd control on 27th Street, between 10th and 11th Avenues. There are many clubs on this block and at 4 AM hundreds of people flood out of the clubs and walk towards 10th Avenue. This causes lots of traffic due to the many cabs, which results in loud honking and noise complaints from the residents. Thus, in order to alleviate these issues Lieutenant Lauterborn and other officers set up a gate to divide the block so that half of the block would have to walk west, towards 11th Avenue, and the other half would walk east, towards 10th Avenue.

Lieutenant Lauterborn and other officers from the cabaret unit arrived on the block at approximately 3 AM to set up the gates. Shortly after they were erected, a male exited from one of the clubs and jumped over the gate, heading towards 10th Avenue (when he should have been walking towards 11th Avenue). This caused a disturbance and the male was issued a summons. Shortly afterwards, a female § 87(2)(b) also

pushed through the bouncers that were helping the officers with crowd control and jumped the barricade. Approximately 25 feet east of the gates Lieutenant Lauterborn approached § 87(2)(b) and attempted to explain to her why the gates were in place, however she refused to listen. Lieutenant Lauterborn stated that she was “arrogant and obnoxious”. She was screaming and cursing; she was saying, “... fuck this, I’m not stopping for anything.” She also mentioned that there were shots inside the club and that she was running away from them. Lieutenant Lauterborn told her that she was the only one running, and if there were shots inside the club there would have been hundreds of people running. § 87(2)(b) attempted to push her way through Lieutenant Lauterborn. Due to § 87(2)(b) screaming and cursing a crowd of approximately 50 people stopped to watch.

Lieutenant Lauterborn attempted to handcuff § 87(2)(b). He asked § 87(2)(b) to put her hands behind her back because she was being arrested § 87(2)(b). § 87(2)(b) refused to do so and Lieutenant Lauterborn grabbed both of her hands and put them behind her back. § 87(2)(b) continued to push him away and flail her arms. Officer Garrity and Officer Mooney approached Lieutenant Lauterborn while he was handcuffing § 87(2)(b). Lieutenant Lauterborn, Officer Mooney, and Officer Garrity walked § 87(2)(b) to Officer Mooney and Officer Garrity’s patrol car, which was parked a few feet away. Lieutenant Lauterborn could not recall if he was holding § 87(2)(b) arm as they walked to the patrol car. Officer Mooney did not tighten § 87(2)(b) handcuffs. Officer Garrity and Officer Mooney were the only officers that assisted Lieutenant Lauterborn in arresting § 87(2)(b). After placing her in the marked patrol car, Lieutenant Lauterborn assumed his post and § 87(2)(b) was taken to the 10th Precinct.

§ 87(2)(b) was issued a summons § 87(2)(b). While she was pushing through the bouncers Lieutenant Lauterborn was telling her not to cross the fence, however she did not comply. Hundreds of other people were exiting the many clubs. If everyone had stopped to watch § 87(2)(b) a mob could have formed. Additionally, if the crowd saw that Lieutenant Lauterborn allowed one person to cross the fence, then many other people would have attempted to cross the fence.

Officer Mooney and Officer Garrity

On April 16, 2006 Officer Mooney was working from 11:15 PM to 7:50 AM with Officer Garrity. On April 16, 2006 Officer Garrity worked from 10 PM to 6:35 AM with Officer Mooney. They were assigned to cabaret patrol and RMP 2712. Both officers were dressed in uniform. Officer Mooney is a white male, 5’10”, 210 lbs., and has brown hair and green eyes. Officer Mooney had the following entries in his memo book regarding this incident: “0347- pick up 1050 female w/CAB LT f/o 530 w.27, female was loud belligerent and acting in a tumultuous manner, instructed by CAB LT to remove female to 10 pct and issue summons; 0350- 84 10 pct; 0412- 96x1 by CAB 2 operator.” Officer Garrity is a white male, 5’10”, 170 lbs., and has brown hair and green eyes. Officer Garrity had the following entries in his memo book regarding this incident: “0347- pick up 10-50 female w/cab LT I/F/O 530 W. 27 Street. 1 under female was loud, belligerent, trying to be tumultuous. Instructed by cab LT to remove female to 10 PCT and issue summons; 0350- 84, female out; 0412- 96 x 1 § 87(2)(b), § 87(2)(b) DOB § 87(2)(b).” Officer Garrity issued § 87(2)(b) a summons § 87(2)(b). Officer Garrity clearly printed his name and tax identification number on this summons.

Officer Mooney was interviewed at the CCRB on May 16, 2006 and Officer Garrity was interviewed on May 18, 2006 (enclosure 4E-M). The following is a summary of their statements:

Officer Garrity and Officer Mooney were on regular patrol when they stopped and parked their car on West 27th Street between 10th Avenue and 11th Avenue. The officers were not at the location for a specific reason, however they stopped because there is generally a lot of pedestrian traffic at this time of night due to the numerous nightclubs on this block. After parking their car, they walked down the block and saw a crowd of several hundred people on the street in front of the club. Officer Garrity and Officer Mooney saw Lieutenant Lauterborn, the cabaret lieutenant, with a handcuffed female § 87(2)(b) and several plainclothes officers. Officer Garrity and Officer Mooney did not know the names of these plainclothes officers and they were not from their command. When Officer Garrity approached Lieutenant Lauterborn and § 87(2)(b) she was yelling at the lieutenant. Officer Mooney stated that § 87(2)(b) was saying,

“This is bullshit, I don’t have to listen to you. I don’t have to listen to anything you say.” Lieutenant Lauterborn was holding § 87(2)(b) handcuffed arms, and she was pulling away from him. None of officers pushed her or twisted her arm.

Lieutenant Lauterborn instructed Officer Garrity and Officer Mooney to take § 87(2)(b) to the stationhouse and issue her a summons § 87(2)(b). Lieutenant Lauterborn stated that as people were coming out of the club, he instructed them to walk towards 11th Avenue. § 87(2)(b) continued to walk towards 10th Avenue and Lieutenant Lauterborn told her again to walk in the opposite direction, however she refused. Neither Officer Mooney nor Officer Garrity witnessed this interaction. Officer Garrity and Officer Mooney were parked approximately 100 feet away from where § 87(2)(b) was stopped. As they were walking to the patrol car Officer Garrity held one of § 87(2)(b) arms and Officer Mooney held the other. § 87(2)(b) was using her bodyweight to pull back so that they could not bring her to the car. § 87(2)(b) continued to curse and yell as they were walking to the patrol car. Officer Mooney did not tighten her handcuffs.

During the ride to the precinct § 87(2)(b) continued to curse (saying the same thing as before), however neither officer interacted with her. Officer Garrity did not call her “stupid” and did not tell her to “shut the fuck up.” When they arrived at the precinct the officers placed her in a chair in front of the desk. Sergeant Abbruzzese was the desk sergeant. Officer Garrity went to the cabaret office, ran § 87(2)(b) name for warrants and wrote her a summons. While he was writing the summons § 87(2)(b) willingly sat in the chair, she did not refuse to sit down and Officer Mooney did not pull her arm. The officers in the precinct did not get annoyed with § 87(2)(b) for talking too much; no officer told her to “shut up.” Officer Garrity then handed the summons to § 87(2)(b) and removed the handcuffs. She asked Officer Garrity and Officer Mooney for their names and badge numbers, and they verbally told her. Officer Garrity did not shove his badge in her face. She asked for the names of the plainclothes officers however Officer Garrity and Officer Mooney did not know them. § 87(2)(b) friends arrived at the precinct and she left. She came back into the precinct a minute later and continued to scream at Officer Garrity and Officer Mooney, and then left again.

Sergeant Abbruzzese

On April 16, 2006 Sergeant Abbruzzese was working from 11:05 PM to 8:02 AM and was assigned to be the desk sergeant. Sergeant Abbruzzese is a white male, 5’9”, 175 lbs., and has brown hair and brown eyes.

Sergeant Abbruzzese was interviewed at the CCRB on May 30, 2006 (enclosure 4N-Q). The following is a summary of his sworn statement:

On April 16, 2006 Sergeant Abbruzzese was behind the desk when Officer Garrity and Officer Mooney arrived at the precinct with § 87(2)(b). She had been arrested § 87(2)(b), however Sergeant Abbruzzese did not know the exact circumstances of this arrest. § 87(2)(b) was resistant and uncooperative at the precinct, and she was “extremely angry” and cursing. Sergeant Abbruzzese could not recall exactly what she was saying, however he remembered that she stated that she was running away from gunshots in the club. Officer Mooney repeatedly asked her to sit in a chair in front of the front desk, however she refused to sit. She was pacing back and forth in the front area of the precinct, however after approximately five minutes she took a seat. Officer Garrity completed her pedigree card and the summons. After Officer Garrity gave her the summons she was still angry and stated that she wanted to file a complaint and asked for the phone number of the CCRB. She asked Sergeant Abbruzzese for a pen, and he gave one to her. She recorded the phone number of the CCRB. She also asked for Officer Garrity and Officer Mooney’s names, and they verbally provided them to her. Officer Garrity did not walk close to her and push his badge in her face. Officer Mooney did not tell her to shut up. § 87(2)(b) was inside the precinct for 15-20 minutes.

NYPD and Communications Documents

SPRINT

The SPRINT relating to the incident documents that one female was taken to the stationhouse at 3:45 AM and one individual was arrested at 3:47 AM. A summons was issued at 4:32 AM. (enclosure 5A)

The following documents were requested from the 10th Precinct on April 27, 2006: command log, roll call, stop and frisk log and report, and § 87(2)(b) summons. These documents have not been received and are not necessary in order to result in definitive dispositions.

Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian's CCRB History

§ 87(2)(b) does not have a history of filing complaints with the CCRB (enclosure 2D).

Officers' CCRB History

§ 87(4-b) § 87(2)(g)

Neither Officer Mooney nor Officer Garrity has a history of substantiated allegations with the CCRB. (enclosure 2A-C)

Conclusions and Recommendations

Identification of Subject Officers

§ 87(2)(b) described the officer that initially approached her and pushed her in the shoulder to be wearing a white NYPD uniform shirt, a white/Hispanic male, 5'9", small/medium build, and dark brown hair. Lieutenant Lauterborn is a white male, 5'10", 225 lbs., and has brown hair and brown eyes.

Additionally, Lieutenant Lauterborn stated that he was the officer that initially approached § 87(2)(b) § 87(2)(g). § 87(2)(b) identified Officer Mooney to be the officer that tightened her handcuffs and Officer Garrity to be the officer that cursed at her. § 87(2)(g)

§ 87(2)(g) stated that Officer Garrity did not verbally provide his name and shield number when she asked him to do so. § 87(2)(g).

Disputed and Undisputed Facts

§ 87(2)(g). It is undisputed that § 87(2)(b) was cursing during the incident and causing a scene, § 87(2)(g). It is also undisputed that Officer Garrity and Officer Mooney transported § 87(2)(b) to the station house and that she asked them for their names and shield numbers.

Credibility

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). She also acknowledged that she was screaming and cursing at the officers, and that she physically resisted being handcuffed. § 87(2)(g)

Lieutenant Lauterborn, Officer Mooney, Officer Garrity, and Sergeant Abbruzzese

§ 87(2)(b), § 87(2)(g)

Allegation A: Lieutenant Theodore Lauterborn used physical force against § 87(2)(b)
§ 87(2)(b) alleged that after she crossed barricades, which had been implemented by members of the 10th Precinct cabaret unit, Lieutenant Lauterborn stopped her and pushed her in the shoulder. Lieutenant Lauterborn stated that she was “arrogant and obnoxious” from the start and that she was screaming and cursing. Due to § 87(2)(b) behavior Lieutenant Lauterborn told her to put her hands behind her back because she was going to be arrested § 87(2)(b). § 87(2)(b) refused to do so and Lieutenant Lauterborn grabbed both of her hands and put them behind her back. As previously mentioned, Lieutenant Lauterborn stated that he handcuffed § 87(2)(b) without assistance from additional officers. Moreover, § 87(2)(b) admitted that she was angry that she had been stopped for passing through the barricades and that she was moving her body when the officers were trying to handcuff her.

§ 87(2)(b), § 87(2)(g)

The Police Student’s Guide to the Use of Force states:

A person who is not actively attempting to *hurt* officers, but who is resisting arrest by squirming, pulling or pushing away, or attempting to flee is a suitable candidate for compliance holds...compliance techniques involve simply overpowering a resistant subject by forcing him or her up against a wall or to the ground in ways that usually involve more than one officer and that do not inflict pain. (enclosure 1A)

§ 87(2)(b), § 87(2)(g)

Allegation B: Officer Patrick Mooney tightly handcuffed § 87(2)(b)

§ 87(2)(b) alleged that while Officer Mooney and Officer Garrity were walking her to their patrol car Officer Mooney tightened her handcuffs. All officers interviewed stated that Officer Mooney did not tighten her handcuffs. § 87(2)(b), § 87(2)(g)

Allegation C: Officer Thomas Garrity spoke rudely to § 87(2)(b)

While Officer Garrity and Officer Mooney were driving § 87(2)(b) back to the precinct Officer Garrity allegedly said to § 87(2)(b) “Shut the fuck up.” She also admitted that she told the officers to “shut up” and cursed at them, after they cursed at her. Officer Garrity and Officer Mooney stated that § 87(2)(b) continued to act irate and was cursing during the ride to the precinct. However, they stated that they did not interact with her during this ride and simply ignored her. § 87(2)(b), § 87(2)(g)

Allegation D: Officer Thomas Garrity refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) asked Officer Garrity and Officer Mooney for their names and shield numbers. Officer Mooney verbally provided this information, however Officer Garrity allegedly shoved his badge in her face and told her that his information was on the summons. However, Officer Garrity, Officer Mooney and Sergeant Abbruzzese stated that both officers verbally provided their names and shield numbers when § 87(2)(b) requested this information. Despite the conflicting testimony, Officer Garrity’s name is clearly printed on § 87(2)(b) summons. Patrol Guide Procedure 203-09 requires that officers, “courteously and clearly state, *or otherwise provide*” their information when requested (enclosure 1B). In *NYPD vs. Pagan*, it was ruled that Officer Pagan satisfied the patrol guide procedure by holding out his badge and saying, “Here is my shield number.” It was determined that although Officer Pagan did not “verbally provide his shield number, it would appear he nevertheless provided it, as required by the Patrol Guide...” (enclosure 1C-D) § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: